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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,558

10/16/2003

Hideaki Funakoshi

04995/121001

1170

22511 7590 03/30/2010

OSHA LIANG L.L.P.  
TWO HOUSTON CENTER  
909 FANNIN, SUITE 3500  
HOUSTON, TX 77010

EXAMINER

ATALA, JAMIE JO

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

03/30/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
buta@oshaliang.com

**Office Action Summary**

Application No.

10/688,558

Applicant(s)

FUNAKOSHI ET AL.

Examiner

JAMIE JO ATALA

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed December 18, 2009 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). This is shown on page 7 of applicant's arguments which states Takahashi fails to disclose, suggest, or teach "n-fold speed" as recited in Claim 1. It is noted that Takahashi is merely used to teach the ability of compressed video and audio data to be reproduced at high speeds. The process used may use intra-frame encoded technique but the examiner is not relying this; however, is using Takahashi to teach the ability to have n-fold speed reproductions of an MPEG encoded video. Although, all of applicants points are understood the examiner can not agree and the rejection is maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable by Honjo (US 5,787,225) in view of Nakajo (US 6,925,042) in further view of Proidl (US 6,961,510) in further view of Takahashi et al (US 5,649,047)

**[claim 1]**

In regard to Claim 1, Honjo discloses a reproducing apparatus for reproducing video information, the apparatus comprising:

- a readout unit configured to read out from a recording medium compressed video and audio data compliant with MPEG format having a structure of sequential video information blocks in a predetermined number of frames (Column 3 Lines 45-60 discloses the readout unit wherein the recording medium compressed video and audio data as further seen Figure 2);
- separation unit configured separate the video data and the audio data from the compressed video and audio data read out by the readout unit;
- an expansion unit configured to respectively expand the video data and the audio data separated by the separation unit (Figure 2 shows the separation of the video and audio so the streams can go to the video decoder circuit 6 and the audio decoder circuit 7 for processing);
- a video output unit configured output the video data expanded by the expansion unit (Figure 3 shows the video decoder circuit wherein the video is prepared for output through output terminal 11);
- a audio output unit configured data expanded by the expansion output the audio an operation unit including a high speed reproduction key (Figure 4 shows the

audio decoder wherein the operation unit decides the reproduction speed of the video and audio data as further described in Column 6 Lines 15-35); and

- a control unit configured to control, a case where the high speed reproduction key is operated, the expansion unit order to perform reproduction of the compressed video and audio data by one frame every several frames corresponding to the n-fold speed and to perform reproduction normal speed or number of frames, alternately (Column 6 Lines 10-35 describes the control unit wherein the reproduction speeds of the video and audio data); however fails to disclose high speed reproduction key for reproducing the compressed video and audio data in n-fold (where  $n > 3$ ) speed and alternating between various speeds of reproduction..

Nakajo discloses a recording system wherein the reproduction occurs “not less than an eight-fold speed, for example an eight-fold speed, a ten-fold speed and more” as described in Column 2 Lines 55+. The high speed reproduction provides a more efficient and faster reproduction system wherein data transfer can efficiently be processed. Furthermore, Proidl teaches the high speed reproduction that is not based on image coding as described in Column 4 Lines 54+. The varying high speed reproductions allow for the system to achieve various modes for reproducing and recording the data. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the reproduction system as disclosed by Honjo and further incorporate reproduction of a system containing high speed reproduction for

compressed data, as taught by Nakajo in view of Proidl, to further provide efficient high speed reproduction of data.

Honjo in view of Najako, fails to disclose alternating between various speeds of reproduction. It is taught by Takahashi et al to provide a control unit for high speed reproduction that provides compressed video and audio data for the number of frames corresponding to n-speed as described in Column 2 Lines 5-27 and Column 3 Lines 51+ through Column 4 Lines 1-47. Furthermore, the trick play modes are alternating as the compressed data is fed into the image data file as described in Column 8 Lines 31-39. The system thereby alternates trick play modes based on the data being processed in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the reproducing apparatus, as disclosed by Honjo, and further incorporate a system that provides an eight-fold speed reproduction for efficient data transferring, as recited by Nakajo, and further provide a system that provides alternating high speed reproduction at n-speeds based on frame compression, as disclosed by Takahashi et al, in order to provide the stated advantages of efficient reproduction of the A/V signal.

**[claim 2]**

In regard to Claim 2, Honjo discloses a reproducing apparatus further comprising a setting unit configured to variably set the number of frames to perform the reproduction two-fold speed a predetermined normal speed or in the two-fold speed in the high speed reproduction (Figure 2 shows the high speed reproduction control circuit 8 shows the setting unit and further described in Column 5 Lines 18-67 describes the reproducing

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apparatus wherein the unit is sets the number of frames to perform the reproduction in various speeds).

**[claim 3]**

In regard to Claim 3, Honjo discloses a reproducing apparatus wherein the setting unit comprises a setting key arranged in the operation unit (Figure 2 high speed reproduction control circuit shows the input 13 which is used a setting key in the system).

**[claim 4]**

In regard to Claim 4, Honjo discloses a reproducing apparatus comprising a selection unit configured to alternatively select selection unit configured to reproduce in normal speed two-fold speed for the predetermined number of frames in the high speed reproduction (Column 6 Lines 12-35 describes the selection unit wherein reproduction can be done in various speeds).

**[claim 5]**

In regard to Claim 5, the claim limitations have been discussed in Claim 3.

**[claim 6]**

In regard to Claim 6, the claim limitations have been discussed in Claim 1.

**[claim 7]**

In regard to Claim 7, the claim limitations have been discussed in Claim 2.

**[claim 8]**

In regard to Claim 8, the claim limitations have been discussed in Claim 2.

**[claim 9]**

In regard to Claim 9, the claim limitations have been discussed in Claim 1.

**[claim 10]**

In regard to Claim 10, the claim limitations have been discussed in Claim 2.

**[claim 11]**

In regard to Claim 11, Honjo discloses a reproducing apparatus as claimed in claim 3, wherein the predetermined number of frames is set by operating the setting key (Figure 2 describes a reproducing apparatus with input from user).

***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



***Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAMIE JO ATALA/

Primary Examiner, Art Unit 2621